

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT LATRELLE GLASS,
Plaintiff,

v.

ANTHONY LAMARQUE, et al.,
Defendants.

No. C 04-04007 CW

ORDER SETTING
TRIAL

IT IS HEREBY ORDERED that a two day jury trial in the above-captioned case will be held on January 7, 2008, at 8:30 a.m. A pretrial conference will be held on December 18, 2007, at 2:00 p.m. Parties shall comply with the attached Order for Pretrial Preparation.

7/31/07

Dated _____



CLAUDIA WILKEN
United States District Judge

ORDER FOR PRETRIAL PREPARATION
(PRISONER CASES ONLY)

PRETRIAL CONFERENCE

Not less than 10 days prior to the pretrial conference, each party shall file the pretrial statement required by Civil L.R. 16-10(b)(6). The pretrial conference statement shall contain the following information:

(1) The Action.

(A) Substance of the Action. A brief description of the substance of claims and defenses which remain to be decided.

(B) Relief Prayed. A detailed statement of all the relief claimed, particularly itemizing all elements of damages claimed.

(2) The Factual Basis of the Action.

(A) Undisputed Facts. A plain and concise statement of all relevant facts not reasonably disputed.

(B) Disputed Factual Issues. A plain and concise statement of all disputed factual issues which remain to be decided.

(C) Agreed Statement. A statement assessing whether all or part of the action may be presented upon an agreed statement of facts.

(D) Stipulations. A statement of stipulations requested or proposed for pretrial or trial purposes.

(3) Disputed Legal Issues. Without extended legal argument, a concise statement of each disputed point of law concerning

1 liability or relief.

2 (4) Further Discovery or Motions. A statement of all remaining
3 discovery or motions.

4 (5) Trial Alternatives and Options.

5 (A) Settlement Discussion. A statement summarizing the
6 status of settlement negotiations and indicating whether further
7 negotiations are likely to be productive.

8 (B) Consent to Trial Before a Magistrate Judge. A
9 statement whether the parties consent to a court or jury trial
10 before a magistrate judge, with appeal directly to the Ninth
11 Circuit.

12 (C) Bifurcation, Separate Trial of Issues. A statement of
13 whether bifurcation or a separate trial of specific issues is
14 feasible and desired.

15 (6) Miscellaneous. Any other subjects relevant to the trial of
16 the action, or material to its just, speedy and inexpensive
17 determination.

18 In addition, each party shall submit the following:

19 a. Exhibit List and Objections. The exhibit list required
20 by Civil L.R. 16-10(b)(7) shall list each proposed exhibit by its
21 number (see Civil L.R. 30-2(b)), description, and sponsoring witness,
22 followed by blanks to accommodate the date on which it is marked for
23 identification and the date on which it is admitted into evidence.
24 No party shall be permitted to offer any exhibit in its case-in-chief
25 that is not disclosed in its exhibit list without leave of the Court
26 for good cause shown. Parties shall also deliver a set of premarked
27 exhibits to the Courtroom Deputy. The exhibit markers shall each
28 contain the name and number of the case, the number of the exhibit,

1 and blanks to accommodate the date admitted and the Deputy Clerk's
2 initials. Appropriate sample forms are attached.

3 b. Trial briefs. Briefs on all significant disputed issues
4 of law, including foreseeable procedural and evidentiary issues.

5 c. Proposed Voir Dire. The attached voir dire
6 questionnaire will be given to the venire members, and copies of the
7 responses will be made available to parties at the beginning of voir
8 dire. Each party may submit a set of additional requested voir dire.

9 d. Joint Proposed Jury Instructions. Jury instructions
10 §1.1 through §1.12, §1.13 through §2.2 and §3.1 through §4.3 from the
11 Manual of Model Civil Jury Instructions for the Ninth Circuit (2001
12 Edition) will be given absent objection. Parties shall each submit
13 one set of additional proposed jury instructions. The instructions
14 shall be ordered in a logical sequence, together with a table of
15 contents. Authority for each instruction shall be included as part
16 of the submission.

17 Whenever possible, parties shall deliver to the Courtroom Deputy
18 a copy of their proposed jury instructions on a computer disk in
19 WordPerfect or ASCII format. The disk label should include the name
20 of the parties, the case number and a description of the document.

21 e. Proposed Verdict Forms.

22 f. Proposed Findings of Fact and Conclusions of Law (Court
23 Trial only). Whenever possible, parties shall deliver to the
24 Courtroom Deputy a copy of their proposed findings of fact and
25 conclusions of law on a computer disk in WordPerfect or ASCII format.
26

1 The disk label should include the name of the parties, the case number
2 and a description of the document.

3 g. Witness List. No party shall be permitted to call any
4 witness in its case-in-chief that is not disclosed in its pretrial
5 statement without leave of the Court for good cause shown. **Each party**
6 **must arrange to subpoena and produce the witnesses they wish to call.**

7 JURY SELECTION

8 The Jury Commissioner will summon 20 to 25 prospective jurors.
9 The Courtroom Deputy will select their names at random and seat them
10 in the courtroom in the order in which their names are called.

11 Voir dire will be asked of sufficient venire persons so that
12 eight (or more for a lengthy trial) will remain after all peremptory
13 challenges and an anticipated number of hardship dismissals and cause
14 challenges have been made.

15 The Court will then take cause challenges, and discuss hardship
16 claims from the individual jurors, outside the presence of the venire.
17 The Court will inform the parties which hardship claims and cause
18 challenges will be granted, but will not announce those dismissals
19 until the process is completed. Each party may then list in writing
20 up to three peremptory challenges. The parties will review each
21 other's lists and then submit them to the Courtroom Deputy.

22 Then, from the list of jurors in numerical order, the Court will
23 strike the persons with meritorious hardships, those excused for
24 cause, and those challenged peremptorily, and call the first eight
25 people in numerical sequence remaining. Those people will be the
26
27
28

1 jury.

2 All jurors remaining at the close of the case will deliberate.
3 There are no alternates.

4 SANCTIONS

5 Failure to comply with this Order is cause for sanctions under
6 Federal Rule of Civil Procedure 16(f).
7

8 IT IS SO ORDERED.

9
10 Dated: _____



CLAUDIA WILKEN

UNITED STATES DISTRICT JUDGE

JUROR QUESTIONNAIRE

Please fill out this form as completely as possible and print clearly. Since we want to make copies for the attorneys and the Court, do not write on the back of any page. If you need more room, continue at the bottom of the page. Thank you for your cooperation.

1. Your name: _____

2. Your age: _____

3. Your place of birth: _____

4. Do you rent or own your own home? _____

5. Your marital status: (circle one)

single married separated divorced widowed

6. What is your occupation, and how long have you worked in it? (If you are retired, please describe your main occupation when you were working).

7. Who is (or was) your employer?

8. How long have you worked for this employer? _____

9. Please list the occupations of any adults with whom you live.

10. If you have children, please list their ages and sex and, if they are employed, please give their occupations.

11. Please describe your educational background:

Highest grade completed: _____

College and/or vocational schools you have attended:

Major areas of study: _____

12. Have you ever served on a jury before? _____ How many times? _____

If yes: State/County Court _____ Federal Court _____

When? _____

Was it a civil or criminal case? _____

Did the jury(ies) reach a verdict? _____

(rev. 9/02)

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

GLASS,

Case Number: CV04-04007 CW

Plaintiff,

v.

CERTIFICATE OF SERVICE

LAMARQUE et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 31, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Robert Latrelle Glass J-36237
California State Prison - Sacramento
Prison Road
P.O. Box 29-0066
Represa, CA 95671

Trace O. Maiorino
California State Attorney General's Office
Correctional Law Section
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004

Dated: July 31, 2007

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk